

RESIDENT GRIEVANCE SYSTEM

ANNUAL REPORT FISCAL YEAR 2009

DEVELOPMENTAL DISABILITIES ADMINISTRATION FACILITIES

Darrell Nearon, PhD., JD

Director

Resident Grievance System

Department of Health and Mental Hygiene

201 West Preston Street, Room 546

Baltimore, Maryland 21201

1-800-747-7454

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**RESIDENT GRIEVANCE SYSTEM
FISCAL YEAR 2009
ANNUAL REPORT**

**BACKGROUND AND STRUCTURE OF THE
PATIENT RIGHTS PROGRAM FOR
DEVELOPMENTAL DISABILITIES ADMINISTRATION
STATE RESIDENTIAL CENTERS and SECURED EVALUATION,
THERAPEUTIC AND TREATMENT UNITS**

In 1985, the Department of Health and Mental Hygiene (DHMH) implemented the Resident Grievance system (RGS), the internal mechanism for advocating and ensuring the protection of rights of institutionalized persons, guaranteed by federal and state laws, that reside in the Mental Hygiene Administration's psychiatric facilities. The program is governed by the Code of Maryland Regulations (COMAR) 10.21.14 and is under the auspices of the Deputy Secretary for Behavioral Health and Disabilities, Renata Henry.

The RGS is a four stage administrative process that ensures that the rights of residents are protected through a fair, efficient, and complete mechanism for receiving, investigating, and resolving resident complaints in a timely manner. The RGS is responsible for providing legal representation for residents in specific areas, which is accomplished through state procurement contracts with independent legal providers, known as Legal Assistance Providers (LAP).

In July 1, 2000, the DHMH Secretary, Dr. Georges Benjamin, decreed that the Resident Grievance System be expanded to provide rights advocacy for residents of the four State Residential Centers, operated by the Developmental Disabilities Administration (DDA). The policy governing the operation of the RGS in DDA facilities was finalized and distributed to DDA facilities by the DDA Director, Diane K. Coughlin, on December 19, 2002. The policy provides the procedure governing the administrative process for receiving and investigating any reports of injuries, death, allegations of physical, sexual, or verbal abuse, and individual complaints, including rights issues, in a timely manner in accordance with Health General §7-1003 (g), Annotated Code of Maryland. A copy of the policy is available upon request from the office of the Director of the RGS.

The policy defines "Rights Issues" as any alleged violation of an individual's rights guaranteed by federal and state constitutions, statutes, regulations, common law, or policies of DHMH, DDA, and the facility, not covered by DDA's Policy on Reportable Incidents and Investigations.

A "Grievance" is defined as a written or oral statement initiated by the individual, an employee of the facility, a family member of the individual, or an interested party, which alleges that an individual's rights have been unfairly limited, violated, or are likely to be violated in the

immediate future, or the facility has acted in an illegal or improper manner with respect to an individual or a group of individuals.

In January, 2009, the RGS began to provide services to the two Secured Evaluation and Therapeutic Units (SETT'S) operated by DDA. The units are located on the grounds of Springfield and Clifton T. Perkins Hospital Center respectively. The mission of the SETT units is to provide evaluation and assessment services, as well as active treatment to intellectually disabled individuals with court involvement within a secure and safe environment. The RGS utilizes the same administrative process as with the State Residential Centers's (SRC) to assist the individuals residing in the SETT's.

The RGS collaboratively works with the Office of Health Care Quality, the Maryland Disability Law Center and other stakeholders to ensure patient safety and their legal rights. Rights Advisors are co-located at the facilities and participate on various committees and attend meetings addressing patient concerns.

The Rights Advisors with primary responsibility for the three State Residential Centers and two SETT units are:

Brandenburg	Edward Zook	301-777-2263
Holly	Sharon Wert	410-778-6800
Potomac Center C.T Perkins SETT	Gregory Wyatt	240-313-3567
Springfield SETT	Susan Thomas	410-970-7412
	George Lyons	410-970-7410

The above referenced Rights Advisors have primary responsibility for the facilities listed. All RGS Rights Advisors are trained to provide services in the absence of an assigned Rights Advisor. A complete listing of the Resident Grievance System staff is included in this report.

Referrals to the Resident Grievance System can be made directly to the assigned Rights Advisor or the Central Office by using the toll free number, 1-800-747-7454.

"All opinions expressed in this report are subject to the limitations of the data available at the time of this report and are subject to change should additional data become available."

RESIDENT GRIEVANCE SYSTEM

Darrell Nearon, PhD., JD.
Director
410-767-6888

Patricia Dorsey
Administrative Officer III
Database Program Mgr.
410-767-1051 ---Toll Free---800-747-7454

RIGHTS ADVISOR ASSIGNMENTS

Jennie Bishop Pager: 410-681-8305	Spring Grove	410-402-7594
Harry Evans III	RICA-Baltimore Rockville	410-368-7957 301-251-6823
Edward Fowler	C. T. Perkins Hospital	410-724-3165
Anne Harrison	Spring Grove	410-402-7560
George Lyons	Springfield	410-970-7410
Susan Thomas	Springfield	410-970-7412
Linda Simms	Walter P. Carter Clifton T. Perkins	410-209-6079 410-724-3000 X 6165
Sharon Wert	Eastern & Upper Shore/ Holly	410-221-2345(E) 410-778-6800(U)
Gregory Wyatt	Rosewood Potomac Center	410-951-5169 240-313-3567
Edward Zook	Thomas B. Finan Brandenburg	301-777-2263

RGS DATA COLLECTION AND CLASSIFICATION

Resident Grievance System Regulations (RGS), COMAR 10.21.14, defines “Rights Issues” broadly: “an alleged violation of a resident’s rights guaranteed by federal and State constitutions, statutes, regulations, common law, or policies of the Department, Mental Hygiene Administration, and the facility”. When the RGS was created, the rationale for this broad definition was precisely because not all rights issues are stipulated in the law but this does not make them any less a rights issue. The RGS Director has the responsibility for developing the classification system and providing guidelines for its use.

The form, RGS-24 “Category of Rights Issues”, copy of which is attached, assigns all cases to one of 16 major categories.

The data in the Annual Report for Fiscal Year 2009 for Developmental Disabilities Administration facilities are reported in two major classifications: Information/Assistance and Grievances.

Information/Assistance

Cases classified as Information/Assistance do not allege a rights violation but are contacts in which the individual is seeking information, clarification, or assistance with a concern. Typically, it involves a single meeting with the individual and generally, does not require extensive contact with others. These cases are closed at Stage 1 following the contact.

The second group of Information/Assistance cases is those in which the Rights Advisor receives notification from the facility regarding all incidents meeting the criteria of a “Serious Reportable Incident” (SRI). The RGS is provided with the Appendix 4 within 24 hours or the next working day. This is followed by receipt of the “Agency Investigative Report” (AIR) within 21 days. The Rights Advisor may, on their own, or at the request of the individual, staff, family member, or other interested parties, conduct their own investigation of the incident.

If the Rights Advisor concludes, following the investigation of a Serious Reportable Incident, that all of the necessary action has been taken by the facility and no further action is warranted, the case is closed at Stage 1 as Information/Assistance. However, if the Rights Advisor, resident, employee, family member, Legal Assistance Provider, or other interested parties have concerns regarding the action taken by the facility on Serious Reportable Incidents, the Rights Advisor opens the case as a grievance.

In fiscal year 2009, Rights Advisors processed 358 Information/Assistance cases.

Grievances

Cases classified as Grievances are those issues that allege a violation of patients' rights and whose goal is to obtain a specific outcome. The Rights Advisors' role in a grievance is to be a neutral fact finder, conduct a thorough investigation, and render a decision based on the evidence.

Grievances are determined to be Valid, Invalid, or Inconclusive. When sufficient evidence does not exist to prove or disprove the allegation, the grievance is determined to be inconclusive. The Rights Advisors' role is to work toward the achievement of a mutually satisfactory resolution at the lowest possible stage.

Grievance investigation and resolution generally requires the Rights Advisor to have multiple contacts with the grievant and others, up to 65 working days, the total time permitted for resolution of the grievance by the RGS Regulations, COMAR 10.21.14.

Grievances consume the largest amount of Rights Advisors' time. The Rights Advisors' role is to be non-adversarial and to function as a mediator, facilitator or negotiator.

If unresolved at Stage 1, grievances proceed to Stage 2, which is the appropriate administrative director; Stage 3, the Chief Executive Officer, with an optional review by the Quality Assurance Standing Committee. Grievances unresolved at the conclusion of Stage 3 are reviewed at Stage 4 by the Central Review Committee, which is comprised of the DDA Director, the DDA Regional Director, and the RGS Director.

In fiscal year 2009, Rights Advisors processed a total of 10 grievances; outcome is detailed on the following pages.

GRIEVANCE OUTCOME FOR STAGES 1, 2, 3 AND REFERRALS TO THE CENTRAL REVIEW COMMITTEE AT STAGES 4 FOR FISCAL YEAR 2009

- ◆ STAGE 1: 10 Grievances were handled by the Rights Advisors.
5 (50.00%) were closed through resolution or withdrawal.
- ◆ STAGE 2: 4 (40.00%) Grievances were reviewed by the Unit Director.
4 (00.00%) were closed through resolution or withdrawal.
- ◆ STAGE 3A: 0 (0.00%) Grievances were reviewed by the Resident Rights Committee.
- ◆ STAGE 3B: 1 (10.00%) Grievances were reviewed by the Superintendent/CEO
1 (00.00%) were closed through resolution or withdrawal.
- ◆ STAGE 4: 0 (0.00%) Grievances were reviewed by the Central Review Committee which rendered the decisions shown below:

Grievances determined to be Valid	0
Grievances determined to be Inconclusive	0
Grievances determined to be Invalid	0

The data reflect that only 0 (0.00%) of the 10 grievances reached the 4th and final stage of the RGS. This figure supports that the RGS is achieving its mission of resolving grievances at the lowest possible level through mediation, negotiation and conciliation, and that the internal rights protection system is a fair, efficient, and complete remedy for the resolution of patient complaints.

No Stage 4's received or reviewed.

**TOTAL NUMBER AND PERCENTAGES OF GRIEVANCES
FOR ALL
FACILITIES BY RIGHTS CLASSIFICATION FOR FY 2009**

<u>RIGHTS CLASSIFICATION</u>	<u>Number</u>	<u>Percentage</u>
Abuse:	2	20%
Admission, Discharge and Transfer	0	0%
Civil Rights:	0	0%
Communication and Visits:	0	0%
Confidentiality:	0	0%
Environmental:	0	0%
Freedom of Movement:	1	10%
Money:	2	20%
Neglect:	0	0%
Personal Property:	0	0%
Rights Protection System:	0	0%
Treatment:	4	40%
Other:	0	0%
No Right Involved:	0	0%
Resident-Resident Assault:	1	10%
Death:	0	0%
Total # of	10	

**RESIDENT GRIEVANCE SYSTEM
ACTIVITY PER FACILITY
Fiscal Year 2009**

FACILITY	Grievances	Information Assistance Requests	Total Cases
BRANDENBURG CENTER	0	43	43
HOLLY CENTER	2	78	80
POTOMAC CENTER	0	110	110
ROSEWOOD CENTER	7	121	128
SPRINGFIELD SETT CENTER	1	6	7
Total	10	358	368

DDA Trending Data
2003 - 2009

Year	<u>2003*</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>
Grievances	52	56	52	45	46	19	10
Abuse	29	48	24	28	18	9	2
Neglect	0	0	1	1	4	1	0
Treatment	5	0	12	4	10	5	4
I & A	628	729	726	572	603	558	358
Abuse	1	1	0	1	3	2	7
Neglect	1	1	0	0	4	0	2
Treatment	385	435	538	424	426	449	280
Deaths	7*(1)	0(8)	0(13)	0(14)	0(11)	0(13)	0(12)
LAP							
Reports	N	Y-----					
Narrative	N	Y-----					
Stage 4's	0	1	0	0	1	0	0

Note:

I & A = Information and Assistance requests

Y = Yes; N = No

All numbers represent totals.

Total grievances reported since 2003 is 280. This represents an average of 40 grievances per year.

Total I & A's reported since 2003 is 4,174. this represents an average of 596 I & A's requests per year.

* = 2002/2003 was the first year RGS began providing services to DDA facilities.

Information compiled is only for six months

*(1) = I & A and Grievances combined only in 2003.

() = I and A's recording deaths

RESIDENT GRIEVANCE SYSTEM

AGGREGATE DATA FOR DEVELOPMENTAL DISABILITIES ADMINISTRATION FACILITIES

FISCAL YEAR 2009

**Darrell Nearon
Director**

**Patricia Dorsey
Database Program Manager**

AGGREGATE FISCAL YEAR 2009

GRIEVANCES	10
INFORMATION/ASSISTANCE CASES	358
TOTAL RIGHTS ADVISOR CONTACTS	368

RIGHTS CATEGORY	GRIEVANCES	INFORMATION/ ASSISTANCE CASES
ABUSE	2	7
ADMISSION/DISCHARGE/TRANSFER	0	0
CIVIL RIGHTS	0	4
COMMUNICATIONS/VISITS	0	0
CONFIDENTIALITY	0	0
ENVIRONMENTAL	0	8
FREEDOM OF MOVEMENT	1	25
MONEY	2	0
NEGLECT	0	2
PERSONAL PROPERTY	0	2
RIGHTS PROTECTION SYSTEM (RGS)	0	0
TREATMENT RIGHTS	4	280
OTHER	0	0
NO RIGHT INVOLVED	0	8
RESIDENT/RESIDENT ASSAULT	1	10
DEATH	0	12
TOTAL	10	358

DECISION AND ACTION (GRIEVANCE CASES) - FY 2009

AGGREGATE

STAGE 1 - RIGHTS ADVISOR

10 GRIEVANCES

Decision at Stage 1

Valid	4	40.0 %
Invalid	3	30.0 %
Inconclusive	3	30.0 %
Not Investigated	0	0.0 %

Action at Stage 1

Resolved	5	50.0 %
Withdrawn	0	0.0 %
Outside Referral	0	0.0 %

Total Number of Cases Closed At Stage 1 5 50.0 %

Total Number of Cases Referred To Stage 2 5 50.0 %

STAGE 2 - UNIT DIRECTOR

4 GRIEVANCES

Decision at Stage 2

Valid	0	0.0 %
Invalid	3	75.0 %
Inconclusive	1	25.0 %

Action at Stage 2

Resolved	4	100.0 %
Withdrawn	0	0.0 %
Outside Referral	0	0.0 %

Total Number of Cases Closed At Stage 2 4 100.0 %

Total Number of Cases Referred To Next Stage 0 0.0 %

STAGE 3A - RESIDENT RIGHTS COMMITTEE

0 GRIEVANCES

Decision at Stage 3A

Valid	0	%
Invalid	0	%
Inconclusive	0	%

Action at Stage 3A

Resolved	0	%
Withdrawn	0	%
Outside Referral	0	%

Total Number of Cases Closed At Stage 3A 0 %

Total Number of Cases Referred To Stage 3B 0 %

STAGE 3B - SUPERINTENDENT/CEO

1 GRIEVANCES

Decision at Stage 3B

Valid	1	100.0 %
Invalid	0	0.0 %
Inconclusive	0	0.0 %

Action at Stage 3B

Resolved	1	100.0 %
Withdrawn	0	0.0 %
Outside Referral	0	0.0 %

Total Number of Cases Closed At Stage 3B 1 100.0 %

Total Number of Cases Referred To Stage 4 0 0.0 %

STAGE 4 - Central Review Committee

0 GRIEVANCES

Decision at Stage 4

Valid	0	%
Invalid	0	%
Inconclusive	0	%

Action at Stage 4

Resolved	0	%
Withdrawn	0	%
Outside Referral	0	%

Total Number of Cases Closed at Stage 4 0 %

CATEGORIES OF RIGHTS ISSUES (GRIEVANCES)

1. ABUSE	2		8. MONEY	2
2 A. Physical			0 A. Dissipation of Assets	
0 B. Sexual			0 B. Easy Access	
0 C. Mental			1 C. Facility Account	
			1 D. Limitation	
			0 E. Safekeeping	
			0 F. Use of Funds	
			0 G. Exploitation	
			0 H. Entitlements/Benefits	
2. ADMISSION/DISCHARGE/TRANSFER	0		9. NEGLECT	0
0 A. Admission			10. PERSONAL PROPERTY	0
0 B. Hearing			0 A. Exclusion	
0 C. Transfer			0 B. Limitations	
0 D. Discharge			0 C. Protection	
0 E. Respite Care			0 D. Purchase or Receive	
			0 E. Receipt	
3. CIVIL RIGHTS	0		0 F. Storage	
0 A. Abortion			0 G. Theft/Loss/Destruction	
0 B. Verbal Abuse			11. RIGHTS PROTECTION	0
0 C. Barrier Free Design			0 A. Complaint Forms	
0 D. Business and Personal			0 B. Explanation of Rights	
0 E. Competency			0 C. Notification of Rights	
0 F. Dignity			0 D. Rights Advisor	
0 G. Discrimination			0 E. Timely Impartial Investigation	
0 H. Education			0 F. Complaint Procedure	
0 I. Labor and Compensation			0 G. Retaliation	
0 J. Marriage and Divorce			0 H. Legal Case Review	
0 K. Media			12. TREATMENT RIGHTS	4
0 L. Personal Search			1 A. Individual Treatment Plan	
0 M. Privacy			0 B. Informed Consent	
0 N. Religion			3 C. Medical Care	
0 O. Sexuality			0 D. Medication	
0 P. Harassment			0 E. Periodic Review	
0 Q. Voting			0 F. Research/At Risk Procedures	
0 R. Immigration			0 G. Knowledge of	
4. COMMUNICATION and VISITS	0		0 H. Name of Treatment Staff	
0 A. Attorney/Legal Matters			0 I. Alternate Treatment Services	
0 B. Clergy			0 J. Clinical Review Panel	
0 C. Visitors			0 K. Minor Placed with Adults	
0 D. Stationery and Postage			0 L. Aftercare Plan	
0 E. Telephone			0 M. Advance Medical Directive	
0 F. Mail			0 N. Pain Management	
0 G. Interpreter Service			13. OTHER	0
5. CONFIDENTIALITY and DISCLOSURE	0		0 A. Forensic Issues	
0 A. Records			0 B. Guardianship	
0 B. Privileged Communications			0 C. Rights Outside Jurisdiction	
0 C. Photocopying			14. NO RIGHT INVOLVED	0
0 D. Photographing			15. RESIDENT/RESIDENT ASSAULT	1
6. ENVIRONMENTAL	0		16. DEATH	0
0 A. Clothing			TOTAL GRIEVANCE CASES	10
0 B. Diet			FISCAL YEAR 2009	
0 C. Personal Hygiene			AGGREGATE	
0 D. Safety				
0 E. Sanitary				
0 F. Humane				
7. FREEDOM OF MOVEMENT	1			
1 A. Building and Grounds				
0 B. General Restrictions				
0 C. Least Restrictive Alternative				
0 D. Leave of Absence				
0 E. Restraint				
0 F. Seclusion				
0 G. Quiet Room				

DEMOGRAPHIC INFORMATION (GRIEVANCE CASES)-FY2009

AGGREGATE

GRIEVANCES 10

SEX	#	%
Female	1	10.0
Male	7	70.0
Class	2	20.0
Total	10	

AGE	#	%
<18	0	0.0
18-44	2	20.0
45-64	6	60.0
65+	0	0.0
Class	2	20.0
Total	10	

RACE	#	%
African American	3	30.0
Asian	0	0.0
Caucasian	5	50.0
Hispanic	0	0.0
Other	0	0.0
Class	2	20.0
Total	10	

CATEGORIES OF RIGHTS ISSUES (INFORMATION/ASSISTANCE CASES)

1. ABUSE 7

- 5 A. Physical
- 2 B. Sexual
- 0 C. Mental

2. ADMISSION/DISCHARGE/TRANSFER 0

- 0 A. Admission
- 0 B. Hearing
- 0 C. Transfer
- 0 D. Discharge
- 0 E. RespiteCare

3. CIVIL RIGHTS 4

- 0 A. Abortion
- 3 B. Verbal Abuse
- 0 C. Barrier Free Design
- 1 D. Business and Personal
- 0 E. Competency
- 0 F. Dignity
- 0 G. Discrimination
- 0 H. Education
- 0 I. Labor and Compensation
- 0 J. Marriage and Divorce
- 0 K. Media
- 0 L. Personal Search
- 0 M. Privacy
- 0 N. Religion
- 0 O. Sexuality
- 0 P. Harassment
- 0 Q. Voting
- 0 R. Immigration

4. COMMUNICATION and VISITS 0

- 0 A. Attorney/Legal Matters
- 0 B. Clergy
- 0 C. Visitors
- 0 D. Stationery and Postage
- 0 E. Telephone
- 0 F. Mail
- 0 G. Interpreter Service

5. CONFIDENTIALITY and DISCLOSURE 0

- 0 A. Records
- 0 B. Privileged Communications
- 0 C. Photocopying
- 0 D. Photographing

6. ENVIRONMENTAL 8

- 0 A. Clothing
- 0 B. Diet
- 0 C. Personal Hygiene
- 8 D. Safety
- 0 E. Sanitary
- 0 F. Humane

7. FREEDOM OF MOVEMENT 25

- 0 A. Building and Grounds
- 0 B. General Restrictions
- 0 C. Least Restrictive Alternative
- 1 D. Leave of Absence
- 24 E. Restraint
- 0 F. Seclusion
- 0 G. Quiet Room

8. MONEY 0

- 0 A. Dissipation of Assets
- 0 B. Easy Access
- 0 C. Facility Account
- 0 D. Limitation
- 0 E. Safekeeping
- 0 F. Use of Funds
- 0 G. Exploitation
- 0 H. Entitlements/Benefits

9. NEGLECT 2

10. PERSONAL PROPERTY 2

- 0 A. Exclusion
- 0 B. Limitations
- 0 C. Protection
- 0 D. Purchase or Receive
- 0 E. Receipt
- 0 F. Storage
- 2 G. Theft/Loss/Destruction

11. RIGHTS PROTECTION 0

- 0 A. Complaint Forms
- 0 B. Explanation of Rights
- 0 C. Notification of Rights
- 0 D. Rights Advisor
- 0 E. Timely Impartial Investigation
- 0 F. Complaint Procedure
- 0 G. Retaliation
- 0 H. Legal Case Review

12. TREATMENT RIGHTS 280

- 171 A. Individual Treatment Plan
- 0 B. Informed Consent
- 95 C. Medical Care
- 0 D. Medication
- 14 E. Periodic Review
- 0 F. Research/At Risk Procedures
- 0 G. Knowledge of
- 0 H. Name of Treatment Staff
- 0 I. Alternate Treatment Services
- 0 J. Clinical Review Panel
- 0 K. Minor Placed with Adults
- 0 L. Aftercare Plan
- 0 M. Advance Medical Directive
- 0 N. Pain Management

13. OTHER 0

- 0 A. Forensic Issues
- 0 B. Guardianship
- 0 C. Rights Outside Jurisdiction

14. NO RIGHT INVOLVED 8

15. RESIDENT/RESIDENT ASSAULT 10

16. DEATH 12

TOTAL INFORMATION CASES 358

FISCAL YEAR 2009

AGGREGATE

DEMOGRAPHIC INFORMATION (INFORMATION CASES)-FY2009 **AGGREGATE**

INFORMATION/ASSISTANCE REQUESTS **358**

SEX	#	%	AGE	#	%	RACE	#	%
Female	152	42.5	<18	3	0.0	African American	76	21.2
Male	204	57.0	18-44	115	32.1	Asian	0	0.0
Class	2	0.6	45-64	185	51.7	Caucasian	276	77.1
Total	358		65+	53	14.8	Hispanic	4	1.1
			Class	2	0.6	Other	0	0.0
			Total	358		Class	2	0.6
						Total	358	

RESIDENT GRIEVANCE SYSTEM

FISCAL YEAR 2009

BRANDENBURG CENTER

**Edward Zook
Rights Advisor**

BRANDENBURG CENTER
FISCAL YEAR 2009

GRIEVANCES	0
INFORMATION/ASSISTANCE CASES	43
TOTAL RIGHTS ADVISOR CONTACTS	43

RIGHTS CATEGORY	GRIEVANCES	INFORMATION/ ASSISTANCE CASES
ABUSE	0	0
ADMISSION/DISCHARGE/TRANSFER	0	0
CIVIL RIGHTS	0	0
COMMUNICATIONS/VISITS	0	0
CONFIDENTIALITY	0	0
ENVIRONMENTAL	0	6
FREEDOM OF MOVEMENT	0	0
MONEY	0	0
NEGLECT	0	0
PERSONAL PROPERTY	0	0
RIGHTS PROTECTION SYSTEM (RGS)	0	0
TREATMENT RIGHTS	0	35
OTHER	0	0
NO RIGHT INVOLVED	0	0
RESIDENT/RESIDENT ASSAULT	0	0
DEATH	0	2
TOTAL	0	43

CATEGORIES OF RIGHTS ISSUES (INFORMATION/ASSISTANCE CASES)

1. ABUSE 0

- 0 A. Physical
- 0 B. Sexual
- 0 C. Mental

2. ADMISSION/DISCHARGE/TRANSFER 0

- 0 A. Admission
- 0 B. Hearing
- 0 C. Transfer
- 0 D. Discharge
- 0 E. Respite Care

3. CIVIL RIGHTS 0

- 0 A. Abortion
- 0 B. Verbal Abuse
- 0 C. Barrier Free Design
- 0 D. Business and Personal
- 0 E. Competency
- 0 F. Dignity
- 0 G. Discrimination
- 0 H. Education
- 0 I. Labor and Compensation
- 0 J. Marriage and Divorce
- 0 K. Media
- 0 L. Personal Search
- 0 M. Privacy
- 0 N. Religion
- 0 O. Sexuality
- 0 P. Harassment
- 0 Q. Voting
- 0 R. Immigration

4. COMMUNICATION and VISITS 0

- 0 A. Attorney/Legal Matters
- 0 B. Clergy
- 0 C. Visitors
- 0 D. Stationery and Postage
- 0 E. Telephone
- 0 F. Mail
- 0 G. Interpreter Service

5. CONFIDENTIALITY and DISCLOSURE 0

- 0 A. Records
- 0 B. Privileged Communications
- 0 C. Photocopying
- 0 D. Photographing

6. ENVIRONMENTAL 6

- 0 A. Clothing
- 0 B. Diet
- 0 C. Personal Hygiene
- 6 D. Safety
- 0 E. Sanitary
- 0 F. Humane

7. FREEDOM OF MOVEMENT 0

- 0 A. Building and Grounds
- 0 B. General Restrictions
- 0 C. Least Restrictive Alternative
- 0 D. Leave of Absence
- 0 E. Restraint
- 0 F. Seclusion
- 0 G. Quiet Room

8. MONEY 0

- 0 A. Dissipation of Assets
- 0 B. Easy Access
- 0 C. Facility Account
- 0 D. Limitation
- 0 E. Safekeeping
- 0 F. Use of Funds
- 0 G. Exploitation
- 0 H. Entitlements/Benefits

9. NEGLECT 0

10. PERSONAL PROPERTY 0

- 0 A. Exclusion
- 0 B. Limitations
- 0 C. Protection
- 0 D. Purchase or Receive
- 0 E. Receipt
- 0 F. Storage
- 0 G. Theft/Loss/Destruction

11. RIGHTS PROTECTION 0

- 0 A. Complaint Forms
- 0 B. Explanation of Rights
- 0 C. Notification of Rights
- 0 D. Rights Advisor
- 0 E. Timely Impartial Investigation
- 0 F. Complaint Procedure
- 0 G. Retaliation
- 0 H. Legal Case Review

12. TREATMENT RIGHTS 35

- 32 A. Individual Treatment Plan
- 0 B. Informed Consent
- 3 C. Medical Care
- 0 D. Medication
- 0 E. Periodic Review
- 0 F. Research/At Risk Procedures
- 0 G. Knowledge of
- 0 H. Name of Treatment Staff
- 0 I. Alternate Treatment Services
- 0 J. Clinical Review Panel
- 0 K. Minor Placed with Adults
- 0 L. Aftercare Plan
- 0 M. Advance Medical Directive
- 0 N. Pain Management

13. OTHER 0

- 0 A. Forensic Issues
- 0 B. Guardianship
- 0 C. Rights Outside Jurisdiction

14. NO RIGHT INVOLVED 0

15. RESIDENT/RESIDENT ASSAULT 0

16. DEATH 2

TOTAL INFORMATION CASES 43

FISCAL YEAR 2009

BRANDENBURG CENTER

DEMOGRAPHIC INFORMATION (INFORMATION CASES)-FY2009

Brandenburg Center

INFORMATION/ASSISTANCE REQUESTS

43

SEX	#	%	AGE	#	%	RACE	#	%
Female	25	58.1	<18	0	0.0	African American	2	4.7
Male	18	41.9	18-44	3	7.0	Asian	0	0.0
Class	0	0.0	45-64	22	51.2	Caucasian	41	95.3
Total	43		65+	18	41.9	Hispanic	0	0.0
			Class	0	0.0	Other	0	0.0
			Total	43		Class	0	0.0
						Total	43	

RESIDENT GRIEVANCE SYSTEM

FISCAL YEAR 2009

HOLLY CENTER

**Sharon Wert
Rights Advisor**

HOLLY CENTER FISCAL YEAR 2009

GRIEVANCES	2
INFORMATION/ASSISTANCE CASES	78
TOTAL RIGHTS ADVISOR CONTACTS	80

RIGHTS CATEGORY	GRIEVANCES	INFORMATION/ ASSISTANCE CASES
ABUSE	0	5
ADMISSION/DISCHARGE/TRANSFER	0	0
CIVIL RIGHTS	0	4
COMMUNICATIONS/VISITS	0	0
CONFIDENTIALITY	0	0
ENVIRONMENTAL	0	1
FREEDOM OF MOVEMENT	0	15
MONEY	0	0
NEGLECT	0	2
PERSONAL PROPERTY	0	2
RIGHTS PROTECTION SYSTEM (RGS)	0	0
TREATMENT RIGHTS	2	43
OTHER	0	0
NO RIGHT INVOLVED	0	0
RESIDENT/RESIDENT ASSAULT	0	2
DEATH	0	4
TOTAL	2	78

DECISION AND ACTION (GRIEVANCE CASES) - FY 2009

Holly Center

STAGE 1 - RIGHTS ADVISOR

2 GRIEVANCES

Decision at Stage 1

Valid	0	0.0 %
Invalid	0	0.0 %
Inconclusive	2	100.0 %
Not Investigated	0	0.0 %

Action at Stage 1

Resolved	1	50.0 %
Withdrawn	0	0.0 %
Outside Referral	0	0.0 %

Total Number of Cases Closed At Stage 1 1 50.0 %

Total Number of Cases Referred To Stage 2-3 1 50.0 %

STAGE 2 - UNIT DIRECTOR

1 GRIEVANCES

Decision at Stage 2

Valid	0	0.0 %
Invalid	0	0.0 %
Inconclusive	1	100.0 %

Action at Stage 2

Resolved	1	100.0 %
Withdrawn	0	0.0 %
Outside Referral	0	0.0 %

Total Number of Cases Closed At Stage 2 1 100.0 %

Total Number of Cases Referred To Next Stage 0 0.0 %

STAGE 3A - RESIDENT RIGHTS COMMITTEE

0 GRIEVANCES

Decision at Stage 3A

Valid	0	%
Invalid	0	%
Inconclusive	0	%

Action at Stage 3A

Resolved	0	%
Withdrawn	0	%
Outside Referral	0	%

Total Number of Cases Closed At Stage 3A 0 %

Total Number of Cases Referred To Stage 3B 0 %

STAGE 3B - SUPERINTENDENT/CEO

0 GRIEVANCES

Decision at Stage 3B

Valid	0	%
Invalid	0	%
Inconclusive	0	%

Action at Stage 3B

Resolved	0	%
Withdrawn	0	%
Outside Referral	0	%

Total Number of Cases Closed At Stage 3B 0 %

Total Number of Cases Referred To Stage 4 0 %

STAGE 4 - CENTRAL REVIEW COMMITTEE

0 GRIEVANCES

Decision at Stage 4

Valid	0	%
Invalid	0	%
Inconclusive	0	%

Action at Stage 4

Resolved	0	%
Withdrawn	0	%
Outside Referral	0	%

Total Number of Cases Closed At Stage 4 0 %

CATEGORIES OF RIGHTS ISSUES (GRIEVANCES)

1. ABUSE 0
0 A. Physical
0 B. Sexual
0 C. Mental

2. ADMISSION/DISCHARGE/TRANSFER 0
0 B. Hearing
0 A. Admission
0 C. Transfer
0 D. Discharge
0 E. Respite Care

3. CIVIL RIGHTS 0
0 A. Abortion
0 B. Verbal Abuse
0 C. Barrier Free Design
0 D. Business and Personal
0 E. Competency
0 F. Dignity
0 G. Discrimination
0 H. Education
0 I. Labor and Compensation
0 J. Marriage and Divorce
0 K. Media
0 L. Personal Search
0 M. Privacy
0 N. Religion
0 O. Sexuality
0 P. Harassment
0 Q. Voting
0 R. Immigration

4. COMMUNICATION and VISITS 0
0 A. Attorney/Legal Matters
0 B. Clergy
0 C. Visitors
0 D. Stationery and Postage
0 E. Telephone
0 F. Mail
0 G. Interpreter Service

5. CONFIDENTIALITY and DISCLOSURE 0
0 A. Records
0 B. Privileged Communications
0 C. Photocopying
0 D. Photographing

6. ENVIRONMENTAL 0
0 A. Clothing
0 B. Diet
0 C. Personal Hygiene
0 D. Safety
0 E. Sanitary
0 F. Humane

7. FREEDOM OF MOVEMENT 0
0 A. Building and Grounds
0 B. General Restrictions
0 C. Least Restrictive Alternative
0 D. Leave of Absence
0 E. Restraint
0 F. Seclusion
0 G. Quiet Room

8. MONEY 0
0 A. Dissipation of Assets
0 B. Easy Access
0 C. Facility Account
0 D. Limitation
0 E. Safekeeping
0 F. Use of Funds
0 G. Exploitation
0 H. Entitlements/Benefits

9. NEGLECT 0

10. PERSONAL PROPERTY 0
0 A. Exclusion
0 B. Limitations
0 C. Protection
0 D. Purchase or Receive
0 E. Receipt
0 F. Storage
0 G. Theft/Loss/Destruction

11. RIGHTS PROTECTION 0
0 A. Complaint Forms
0 B. Explanation of Rights
0 C. Notification of Rights
0 D. Rights Advisor
0 E. Timely Impartial Investigation
0 F. Complaint Procedure
0 G. Retaliation
0 H. Legal Case Review

12. TREATMENT RIGHTS 2
0 A. Individual Treatment Plan
0 B. Informed Consent
2 C. Medical Care
0 D. Medication
0 E. Periodic Review
0 F. Research/At Risk Procedures
0 G. Knowledge of
0 H. Name of Treatment Staff
0 I. Alternate Treatment Services
0 J. Clinical Review Panel
0 K. Minor Placed with Adults
0 L. Aftercare Plan
0 M. Advance Medical Directive
0 N. Pain Management

13. OTHER 0
0 A. Forensic Issues
0 B. Guardianship
0 C. Rights Outside Jurisdiction

14. NO RIGHT INVOLVED 0

15. RESIDENT/RESIDENT ASSAULT 0

16. DEATH 0

TOTAL GRIEVANCE CASES 2

FISCAL YEAR 2009

Holly Center

DEMOGRAPHIC INFORMATION (GRIEVANCE CASES)-FY 20 09

Holly Center

GRIEVANCES 2

SEX	#	%
Female	0	0.0
Male	2	100.0
Class	0	0.0
Total	2	

AGE	#	%
<18	0	0.0
18-44	1	50.0
45-64	1	50.0
65+	0	0.0
Class	0	0.0
Total	2	

RACE	#	%
African American	1	50.0
Asian	0	0.0
Caucasian	1	50.0
Hispanic	0	0.0
Other	0	0.0
Class	0	0.0
Total	2	

DEMOGRAPHIC INFORMATION (INFORMATION CASES)-FY2009

Holly Center

INFORMATION/ASSISTANCE REQUESTS

78

SEX	#	%	AGE	#	%	RACE	#	%
Female	28	35.9	<18	3	3.8	African American	22	28.2
Male	48	61.5	18-44	28	35.9	Asian	0	0.0
Class	2	2.6	45-64	40	51.3	Caucasian	51	65.4
			65+	5	6.4	Hispanic	3	3.8
Total	78		Class	2	2.6	Other	0	0.0
			Total	78		Class	2	2.6
						Total	78	

CATEGORIES OF RIGHTS ISSUES (INFORMATION/ASSISTANCE CASES)

1. ABUSE 5
 5 A. Physical
 0 B. Sexual
 0 C. Mental

2. ADMISSION/DISCHARGE/TRANSFER 0
 0 A. Admission
 0 B. Hearing
 0 C. Transfer
 0 D. Discharge
 0 E. Respite Care

3. CIVIL RIGHTS 4
 0 A. Abortion
 3 B. Verbal Abuse
 0 C. Barrier Free Design
 1 D. Business and Personal
 0 E. Competency
 0 F. Dignity
 0 G. Discrimination
 0 H. Education
 0 I. Labor and Compensation
 0 J. Marriage and Divorce
 0 K. Media
 0 L. Personal Search
 0 M. Privacy
 0 N. Religion
 0 O. Sexuality
 0 P. Harassment
 0 Q. Voting
 0 R. Immigration

4. COMMUNICATION and VISITS 0
 0 A. Attorney/Legal Matters
 0 B. Clergy
 0 C. Visitors
 0 D. Stationery and Postage
 0 E. Telephone
 0 F. Mail
 0 G. Interpreter Service

5. CONFIDENTIALITY and DISCLOSURE 0
 0 A. Records
 0 B. Privileged Communications
 0 C. Photocopying
 0 D. Photographing

6. ENVIRONMENTAL 1
 0 A. Clothing
 0 B. Diet
 0 C. Personal Hygiene
 1 D. Safety
 0 E. Sanitary
 0 F. Humane

7. FREEDOM OF MOVEMENT 15
 0 A. Building and Grounds
 0 B. General Restrictions
 0 C. Least Restrictive Alternative
 0 D. Leave of Absence
 15 E. Restraint
 0 F. Seclusion
 0 G. Quiet Room

8. MONEY 0
 0 A. Dissipation of Assets
 0 B. Easy Access
 0 C. Facility Account
 0 D. Limitation
 0 E. Safekeeping
 0 F. Use of Funds
 0 G. Exploitation
 0 H. Entitlements/Benefits

9. NEGLECT 2

10. PERSONAL PROPERTY 2
 0 A. Exclusion
 0 B. Limitations
 0 C. Protection
 0 D. Purchase or Receive
 0 E. Receipt
 0 F. Storage
 2 G. Theft/Loss/Destruction

11. RIGHTS PROTECTION 0
 0 A. Complaint Forms
 0 B. Explanation of Rights
 0 C. Notification of Rights
 0 D. Rights Advisor
 0 E. Timely Impartial Investigation
 0 F. Complaint Procedure
 0 G. Retaliation
 0 H. Legal Case Review

12. TREATMENT RIGHTS 43
 0 A. Individual Treatment Plan
 0 B. Informed Consent
 43 C. Medical Care
 0 D. Medication
 0 E. Periodic Review
 0 F. Research/At Risk Procedures
 0 G. Knowledge of
 0 H. Name of Treatment Staff
 0 I. Alternate Treatment Services
 0 J. Clinical Review Panel
 0 K. Minor Placed with Adults
 0 L. Aftercare Plan
 0 M. Advance Medical Directive
 0 N. Pain Management

13. OTHER 0
 0 A. Forensic Issues
 0 B. Guardianship
 0 C. Rights Outside Jurisdiction

14. NO RIGHT INVOLVED 0

15. RESIDENT/RESIDENT ASSAULT 2

16. DEATH 4

TOTAL INFORMATION CASES 78

FISCAL YEAR 2009

HOLLY CENTER

RESIDENT GRIEVANCE SYSTEM

FISCAL YEAR 2009

POTOMAC CENTER

**Edward Zook and Greg Wyatt
Rights Advisors**

POTOMAC CENTER
FISCAL YEAR 2009

GRIEVANCES	0
INFORMATION/ASSISTANCE CASES	110
TOTAL RIGHTS ADVISOR CONTACTS	110

RIGHTS CATEGORY	GRIEVANCES	INFORMATION/ ASSISTANCE CASES
ABUSE	0	2
ADMISSION/DISCHARGE/TRANSFER	0	0
CIVIL RIGHTS	0	0
COMMUNICATIONS/VISITS	0	0
CONFIDENTIALITY	0	0
ENVIRONMENTAL	0	0
FREEDOM OF MOVEMENT	0	8
MONEY	0	0
NEGLECT	0	0
PERSONAL PROPERTY	0	0
RIGHTS PROTECTION SYSTEM (RGS)	0	0
TREATMENT RIGHTS	0	88
OTHER	0	0
NO RIGHT INVOLVED	0	7
RESIDENT/RESIDENT ASSAULT	0	3
DEATH	0	2
TOTAL	0	110

CATEGORIES OF RIGHTS ISSUES (INFORMATION/ASSISTANCE CASES)

1. ABUSE 2

- 0 A. Physical
- 2 B. Sexual
- 0 C. Mental

2. ADMISSION/DISCHARGE/TRANSFER 0

- 0 A. Admission
- 0 B. Hearing
- 0 C. Transfer
- 0 D. Discharge
- 0 E. Respite Care

3. CIVIL RIGHTS 0

- 0 A. Abortion
- 0 B. Verbal Abuse
- 0 C. Barrier Free Design
- 0 D. Business and Personal
- 0 E. Competency
- 0 F. Dignity
- 0 G. Discrimination
- 0 H. Education
- 0 I. Labor and Compensation
- 0 J. Marriage and Divorce
- 0 K. Media
- 0 L. Personal Search
- 0 M. Privacy
- 0 N. Religion
- 0 O. Sexuality
- 0 P. Harassment
- 0 Q. Voting
- 0 R. Immigration

4. COMMUNICATION and VISITS 0

- 0 A. Attorney/Legal Matters
- 0 B. Clergy
- 0 C. Visitors
- 0 D. Stationery and Postage
- 0 E. Telephone
- 0 F. Mail
- 0 G. Interpreter Service

5. CONFIDENTIALITY and DISCLOSURE 0

- 0 A. Records
- 0 B. Privileged Communications
- 0 C. Photocopying
- 0 D. Photographing

6. ENVIRONMENTAL 0

- 0 A. Clothing
- 0 B. Diet
- 0 C. Personal Hygiene
- 0 D. Safety
- 0 E. Sanitary
- 0 F. Humane

7. FREEDOM OF MOVEMENT 8

- 0 A. Building and Grounds
- 0 B. General Restrictions
- 0 C. Least Restrictive Alternative
- 0 D. Leave of Absence
- 8 E. Restraint
- 0 F. Seclusion
- 0 G. Quiet Room

8. MONEY 0

- 0 A. Dissipation of Assets
- 0 B. Easy Access
- 0 C. Facility Account
- 0 D. Limitation
- 0 E. Safekeeping
- 0 F. Use of Funds
- 0 G. Exploitation
- 0 H. Entitlements/Benefits

9. NEGLECT 0

10. PERSONAL PROPERTY 0

- 0 A. Exclusion
- 0 B. Limitations
- 0 C. Protection
- 0 D. Purchase or Receive
- 0 E. Receipt
- 0 F. Storage
- 0 G. Theft/Loss/Destruction

11. RIGHTS PROTECTION 0

- 0 A. Complaint Forms
- 0 B. Explanation of Rights
- 0 C. Notification of Rights
- 0 D. Rights Advisor
- 0 E. Timely Impartial Investigation
- 0 F. Complaint Procedure
- 0 G. Retaliation
- 0 H. Legal Case Review

12. TREATMENT RIGHTS 88

- 56 A. Individual Treatment Plan
- 0 B. Informed Consent
- 18 C. Medical Care
- 0 D. Medication
- 14 E. Periodic Review
- 0 F. Research/At Risk Procedures
- 0 G. Knowledge of
- 0 H. Name of Treatment Staff
- 0 I. Alternate Treatment Services
- 0 J. Clinical Review Panel
- 0 K. Minor Placed with Adults
- 0 L. Aftercare Plan
- 0 M. Advance Medical Directive
- 0 N. Pain Management

13. OTHER 0

- 0 A. Forensic Issues
- 0 B. Guardianship
- 0 C. Rights Outside Jurisdiction

14. NO RIGHT INVOLVED 7

15. RESIDENT/RESIDENT ASSAULT 3

16. DEATH 2

TOTAL INFORMATION CASES 110

FISCAL YEAR 2009

POTOMAC CENTER

DEMOGRAPHIC INFORMATION (INFORMATION CASES)-FY2009

Potomac Center

INFORMATION/ASSISTANCE REQUESTS 110

SEX	#	%	AGE	#	%	RACE	#	%
Female	52	47.3	<18	0	0.0	African American	22	20.0
Male	58	52.7	18-44	55	50.0	Asian	0	0.0
Class	0	0.0	45-64	40	36.4	Caucasian	88	80.0
Total	110		65+	15	13.6	Hispanic	0	0.0
			Class	0	0.0	Other	0	0.0
			Total	110		Class	0	0.0
						Total	110	

RESIDENT GRIEVANCE SYSTEM

FISCAL YEAR 2009

ROSEWOOD CENTER

**Gregory Wyatt
Rights Advisor**

ROSEWOOD CENTER
FISCAL YEAR 2009

GRIEVANCES	7
INFORMATION/ASSISTANCE CASES	121
TOTAL RIGHTS ADVISOR CONTACTS	128

<u>RIGHTS CATEGORY</u>	<u>GRIEVANCES</u>	<u>INFORMATION/ ASSISTANCE CASES</u>
ABUSE	2	0
ADMISSION/DISCHARGE/TRANSFER	0	0
CIVIL RIGHTS	0	0
COMMUNICATIONS/VISITS	0	0
CONFIDENTIALITY	0	0
ENVIRONMENTAL	0	1
FREEDOM OF MOVEMENT	1	2
MONEY	1	0
NEGLECT	0	0
PERSONAL PROPERTY	0	0
RIGHTS PROTECTION SYSTEM (RGS)	0	0
TREATMENT RIGHTS	2	108
OTHER	0	0
NO RIGHT INVOLVED	0	1
RESIDENT/RESIDENT ASSAULT	1	5
DEATH	0	4
TOTAL	7	121

DECISION AND ACTION (GRIEVANCE CASES) - FY 2009

Rosewood Center

STAGE 1 - RIGHTS ADVISOR

7 GRIEVANCES

Decision at Stage 1

Valid	3	42.9 %
Invalid	3	42.9 %
Inconclusive	1	14.3 %
Not Investigated	0	0.0 %

Action at Stage 1

Resolved	4	57.1 %
Withdrawn	0	0.0 %
Outside Referral	0	0.0 %

Total Number of Cases Closed At Stage 1 4 57.1 %

Total Number of Cases Referred To Stage 2-3 3 42.9 %

STAGE 2 - UNIT DIRECTOR

3 GRIEVANCES

Decision at Stage 2

Valid	0	0.0 %
Invalid	3	100.0 %
Inconclusive	0	0.0 %

Action at Stage 2

Resolved	3	100.0 %
Withdrawn	0	0.0 %
Outside Referral	0	0.0 %

Total Number of Cases Closed At Stage 2 3 100.0 %

Total Number of Cases Referred To Next Stage 0 0.0 %

STAGE 3A - RESIDENT RIGHTS COMMITTEE

0 GRIEVANCES

Decision at Stage 3A

Valid	0	%
Invalid	0	%
Inconclusive	0	%

Action at Stage 3A

Resolved	0	%
Withdrawn	0	%
Outside Referral	0	%

Total Number of Cases Closed At Stage 3A 0 %

Total Number of Cases Referred To Stage 3B 0 %

STAGE 3B - SUPERINTENDENT/CEO

0 GRIEVANCES

Decision at Stage 3B

Valid	0	%
Invalid	0	%
Inconclusive	0	%

Action at Stage 3B

Resolved	0	%
Withdrawn	0	%
Outside Referral	0	%

Total Number of Cases Closed At Stage 3B 0 %

Total Number of Cases Referred To Stage 4 0 %

STAGE 4 - CENTRAL REVIEW COMMITTEE

0 GRIEVANCES

Decision at Stage 4

Valid	0	%
Invalid	0	%
Inconclusive	0	%

Action at Stage 4

Resolved	0	%
Withdrawn	0	%
Outside Referral	0	%

Total Number of Cases Closed At Stage 4 0 %

CATEGORIES OF RIGHTS ISSUES (GRIEVANCES)

1. ABUSE 2

- 2 A. Physical
- 0 B. Sexual
- 0 C. Mental

2. ADMISSION/DISCHARGE/TRANSFER 0

- 0 B. Hearing
- 0 A. Admission
- 0 C. Transfer
- 0 D. Discharge
- 0 E. Respite Care

3. CIVIL RIGHTS 0

- 0 A. Abortion
- 0 B. Verbal Abuse
- 0 C. Barrier Free Design
- 0 D. Business and Personal
- 0 E. Competency
- 0 F. Dignity
- 0 G. Discrimination
- 0 H. Education
- 0 I. Labor and Compensation
- 0 J. Marriage and Divorce
- 0 K. Media
- 0 L. Personal Search
- 0 M. Privacy
- 0 N. Religion
- 0 O. Sexuality
- 0 P. Harassment
- 0 Q. Voting
- 0 R. Immigration

4. COMMUNICATION and VISITS 0

- 0 A. Attorney/Legal Matters
- 0 B. Clergy
- 0 C. Visitors
- 0 D. Stationery and Postage
- 0 E. Telephone
- 0 F. Mail
- 0 G. Interpreter Service

5. CONFIDENTIALITY and DISCLOSURE 0

- 0 A. Records
- 0 B. Privileged Communications
- 0 C. Photocopying
- 0 D. Photographing

6. ENVIRONMENTAL 0

- 0 A. Clothing
- 0 B. Diet
- 0 C. Personal Hygiene
- 0 D. Safety
- 0 E. Sanitary
- 0 F. Humane

7. FREEDOM OF MOVEMENT 1

- 1 A. Building and Grounds
- 0 B. General Restrictions
- 0 C. Least Restrictive Alternative
- 0 D. Leave of Absence
- 0 E. Restraint
- 0 F. Seclusion
- 0 G. Quiet Room

8. MONEY 1

- 0 A. Dissipation of Assets
- 0 B. Easy Access
- 0 C. Facility Account
- 1 D. Limitation
- 0 E. Safekeeping
- 0 F. Use of Funds
- 0 G. Exploitation
- 0 H. Entitlements/Benefits

9. NEGLECT 0

10. PERSONAL PROPERTY 0

- 0 A. Exclusion
- 0 B. Limitations
- 0 C. Protection
- 0 D. Purchase or Receive
- 0 E. Receipt
- 0 F. Storage
- 0 G. Theft/Loss/Destruction

11. RIGHTS PROTECTION 0

- 0 A. Complaint Forms
- 0 B. Explanation of Rights
- 0 C. Notification of Rights
- 0 D. Rights Advisor
- 0 E. Timely Impartial Investigation
- 0 F. Complaint Procedure
- 0 G. Retaliation
- 0 H. Legal Case Review

12. TREATMENT RIGHTS 2

- 1 A. Individual Treatment Plan
- 0 B. Informed Consent
- 1 C. Medical Care
- 0 D. Medication
- 0 E. Periodic Review
- 0 F. Research/At Risk Procedures
- 0 G. Knowledge of
- 0 H. Name of Treatment Staff
- 0 I. Alternate Treatment Services
- 0 J. Clinical Review Panel
- 0 K. Minor Placed with Adults
- 0 L. Aftercare Plan
- 0 M. Advance Medical Directive
- 0 N. Pain Management

13. OTHER 0

- 0 A. Forensic Issues
- 0 B. Guardianship
- 0 C. Rights Outside Jurisdiction

14. NO RIGHT INVOLVED 0

15. RESIDENT/RESIDENT ASSAULT 1

16. DEATH 0

TOTAL GRIEVANCE CASES 7

FISCAL YEAR 2009

Rosewood Center

DEMOGRAPHIC INFORMATION (GRIEVANCE CASES)-FY 20 09

Rosewood Center

GRIEVANCES 7

SEX	#	%
Female	1	14.3
Male	4	57.1
Class	2	28.6
Total	7	

AGE	#	%
<18	0	0.0
18-44	1	14.3
45-64	4	57.1
65+	0	0.0
Class	2	28.6
Total	7	

RACE	#	%
African American	2	28.6
Asian	0	0.0
Caucasian	3	42.9
Hispanic	0	0.0
Other	0	0.0
Class	2	28.6
Total	7	

CATEGORIES OF RIGHTS ISSUES (INFORMATION/ASSISTANCE CASES)

1. ABUSE 0

- 0 A. Physical
- 0 B. Sexual
- 0 C. Mental

2. ADMISSION/DISCHARGE/TRANSFER 0

- 0 A. Admission
- 0 B. Hearing
- 0 C. Transfer
- 0 D. Discharge
- 0 E. Respite Care

3. CIVIL RIGHTS 0

- 0 A. Abortion
- 0 B. Verbal Abuse
- 0 C. Barrier Free Design
- 0 D. Business and Personal
- 0 E. Competency
- 0 F. Dignity
- 0 G. Discrimination
- 0 H. Education
- 0 I. Labor and Compensation
- 0 J. Marriage and Divorce
- 0 K. Media
- 0 L. Personal Search
- 0 M. Privacy
- 0 N. Religion
- 0 O. Sexuality
- 0 P. Harassment
- 0 Q. Voting
- 0 R. Immigration

4. COMMUNICATION and VISITS 0

- 0 A. Attorney/Legal Matters
- 0 B. Clergy
- 0 C. Visitors
- 0 D. Stationery and Postage
- 0 E. Telephone
- 0 F. Mail
- 0 G. Interpreter Service

5. CONFIDENTIALITY and DISCLOSURE 0

- 0 A. Records
- 0 B. Privileged Communications
- 0 C. Photocopying
- 0 D. Photographing

6. ENVIRONMENTAL 1

- 0 A. Clothing
- 0 B. Diet
- 0 C. Personal Hygiene
- 1 D. Safety
- 0 E. Sanitary
- 0 F. Humane

7. FREEDOM OF MOVEMENT 2

- 0 A. Building and Grounds
- 0 B. General Restrictions
- 0 C. Least Restrictive Alternative
- 1 D. Leave of Absence
- 1 E. Restraint
- 0 F. Seclusion
- 0 G. Quiet Room

8. MONEY 0

- 0 A. Dissipation of Assets
- 0 B. Easy Access
- 0 C. Facility Account
- 0 D. Limitation
- 0 E. Safekeeping
- 0 F. Use of Funds
- 0 G. Exploitation
- 0 H. Entitlements/Benefits

9. NEGLECT 0

10. PERSONAL PROPERTY 0

- 0 A. Exclusion
- 0 B. Limitations
- 0 C. Protection
- 0 D. Purchase or Receive
- 0 E. Receipt
- 0 F. Storage
- 0 G. Theft/Loss/Destruction

11. RIGHTS PROTECTION 0

- 0 A. Complaint Forms
- 0 B. Explanation of Rights
- 0 C. Notification of Rights
- 0 D. Rights Advisor
- 0 E. Timely Impartial Investigation
- 0 F. Complaint Procedure
- 0 G. Retaliation
- 0 H. Legal Case Review

12. TREATMENT RIGHTS 108

- 77 A. Individual Treatment Plan
- 0 B. Informed Consent
- 31 C. Medical Care
- 0 D. Medication
- 0 E. Periodic Review
- 0 F. Research/At Risk Procedures
- 0 G. Knowledge of
- 0 H. Name of Treatment Staff
- 0 I. Alternate Treatment Services
- 0 J. Clinical Review Panel
- 0 K. Minor Placed with Adults
- 0 L. Aftercare Plan
- 0 M. Advance Medical Directive
- 0 N. Pain Management

13. OTHER 0

- 0 A. Forensic Issues
- 0 B. Guardianship
- 0 C. Rights Outside Jurisdiction

14. NO RIGHT INVOLVED 1

15. RESIDENT/RESIDENT ASSAULT 5

16. DEATH 4

TOTAL INFORMATION CASES 121

FISCAL YEAR 2009

ROSEWOOD CENTER

DEMOGRAPHIC INFORMATION (INFORMATION CASES)-FY2009

Rosewood Center

INFORMATION/ASSISTANCE REQUESTS 121

SEX	#	%	AGE	#	%	RACE	#	%
Female	47	38.8	<18	0	0.0	African American	26	21.5
Male	74	61.2	18-44	25	20.7	Asian	0	0.0
Class	0	0.0	45-64	81	66.9	Caucasian	94	77.7
Total	121		65+	15	12.4	Hispanic	1	0.8
			Class	0	0.0	Other	0	0.0
			Total	121		Class	0	0.0
						Total	121	

RESIDENT GRIEVANCE SYSTEM

SPRINGFIELD HOSPITAL CENTER
(Secured Evaluation Therapeutic & Treatment Unit)
(SETT)

FISCAL YEAR 2009

GREGORY WYATT
RIGHTS ADVISOR

SPRINGFIELD HOSPITAL CENTER
FISCAL YEAR 2009

GRIEVANCES	1
INFORMATION/ASSISTANCE CASES	6
TOTAL RIGHTS ADVISOR CONTACTS	7

RIGHTS CATEGORY	GRIEVANCES	INFORMATION/ ASSISTANCE CASES
ABUSE	0	0
ADMISSION/DISCHARGE/TRANSFER	0	0
CIVIL RIGHTS	0	0
COMMUNICATIONS/VISITS	0	0
CONFIDENTIALITY	0	0
ENVIRONMENTAL	0	0
FREEDOM OF MOVEMENT	0	0
MONEY	1	0
NEGLECT	0	0
PERSONAL PROPERTY	0	0
RIGHTS PROTECTION SYSTEM (RGS)	0	0
TREATMENT RIGHTS	0	6
OTHER	0	0
NO RIGHT INVOLVED	0	0
RESIDENT/RESIDENT ASSAULT	0	0
DEATH	0	0
TOTAL	1	6

DECISION AND ACTION (GRIEVANCE CASES) - FY 2009

Springfield Hospital Center

STAGE 1 - RIGHTS ADVISOR 1 GRIEVANCES

Decision at Stage 1			Action at Stage 1		
Valid	1	100.0 %	Resolved	0	0.0 %
Invalid	0	0.0 %	Withdrawn	0	0.0 %
Inconclusive	0	0.0 %	Outside Referral	0	0.0 %
Not Investigated	0	0.0 %			
Total Number of Cases Closed At Stage 1			0	0.0 %	
Total Number of Cases Referred To Stage 2-3			1	100.0 %	

STAGE 2 - UNIT DIRECTOR 0 GRIEVANCES

Decision at Stage 2			Action at Stage 2		
Valid	0	%	Resolved	0	%
Invalid	0	%	Withdrawn	0	%
Inconclusive	0	%	Outside Referral	0	%
Total Number of Cases Closed At Stage 2			0	%	
Total Number of Cases Referred To Next Stage			0	%	

STAGE 3A - RESIDENT RIGHTS COMMITTEE 0 GRIEVANCES

Decision at Stage 3A			Action at Stage 3A		
Valid	0	%	Resolved	0	%
Invalid	0	%	Withdrawn	0	%
Inconclusive	0	%	Outside Referral	0	%
Total Number of Cases Closed At Stage 3A			0	%	
Total Number of Cases Referred To Stage 3B			0	%	

STAGE 3B - SUPERINTENDENT/CEO 1 GRIEVANCES

Decision at Stage 3B			Action at Stage 3B		
Valid	1	100.0 %	Resolved	1	100.0 %
Invalid	0	0.0 %	Withdrawn	0	0.0 %
Inconclusive	0	0.0 %	Outside Referral	0	0.0 %
Total Number of Cases Closed At Stage 3B			1	100.0 %	
Total Number of Cases Referred To Stage 4			0	0.0 %	

STAGE 4 - CENTRAL REVIEW COMMITTEE 0 GRIEVANCES

Decision at Stage 4			Action at Stage 4		
Valid	0	%	Resolved	0	%
Invalid	0	%	Withdrawn	0	%
Inconclusive	0	%	Outside Referral	0	%
Total Number of Cases Closed At Stage 4			0	%	

CATEGORIES OF RIGHTS ISSUES (GRIEVANCES)

1. ABUSE 0

- 0 A. Physical
- 0 B. Sexual
- 0 C. Mental

2. ADMISSION/DISCHARGE/TRANSFER 0

- 0 B. Hearing
- 0 A. Admission
- 0 C. Transfer
- 0 D. Discharge
- 0 E. Respite Care

3. CIVIL RIGHTS 0

- 0 A. Abortion
- 0 B. Verbal Abuse
- 0 C. Barrier Free Design
- 0 D. Business and Personal
- 0 E. Competency
- 0 F. Dignity
- 0 G. Discrimination
- 0 H. Education
- 0 I. Labor and Compensation
- 0 J. Marriage and Divorce
- 0 K. Media
- 0 L. Personal Search
- 0 M. Privacy
- 0 N. Religion
- 0 O. Sexuality
- 0 P. Harassment
- 0 Q. Voting
- 0 R. Immigration

4. COMMUNICATION and VISITS 0

- 0 A. Attorney/Legal Matters
- 0 B. Clergy
- 0 C. Visitors
- 0 D. Stationery and Postage
- 0 E. Telephone
- 0 F. Mail
- 0 G. Interpreter Service

5. CONFIDENTIALITY and DISCLOSURE 0

- 0 A. Records
- 0 B. Privileged Communications
- 0 C. Photocopying
- 0 D. Photographing

6. ENVIRONMENTAL 0

- 0 A. Clothing
- 0 B. Diet
- 0 C. Personal Hygiene
- 0 D. Safety
- 0 E. Sanitary
- 0 F. Humane

7. FREEDOM OF MOVEMENT 0

- 0 A. Building and Grounds
- 0 B. General Restrictions
- 0 C. Least Restrictive Alternative
- 0 D. Leave of Absence
- 0 E. Restraint
- 0 F. Seclusion
- 0 G. Quiet Room

8. MONEY 1

- 0 A. Dissipation of Assets
- 0 B. Easy Access
- 1 C. Facility Account
- 0 D. Limitation
- 0 E. Safekeeping
- 0 F. Use of Funds
- 0 G. Exploitation
- 0 H. Entitlements/Benefits

9. NEGLECT 0

10. PERSONAL PROPERTY 0

- 0 A. Exclusion
- 0 B. Limitations
- 0 C. Protection
- 0 D. Purchase or Receive
- 0 E. Receipt
- 0 F. Storage
- 0 G. Theft/Loss/Destruction

11. RIGHTS PROTECTION 0

- 0 A. Complaint Forms
- 0 B. Explanation of Rights
- 0 C. Notification of Rights
- 0 D. Rights Advisor
- 0 E. Timely Impartial Investigation
- 0 F. Complaint Procedure
- 0 G. Retaliation
- 0 H. Legal Case Review

12. TREATMENT RIGHTS 0

- 0 A. Individual Treatment Plan
- 0 B. Informed Consent
- 0 C. Medical Care
- 0 D. Medication
- 0 E. Periodic Review
- 0 F. Research/At Risk Procedures
- 0 G. Knowledge of
- 0 H. Name of Treatment Staff
- 0 I. Alternate Treatment Services
- 0 J. Clinical Review Panel
- 0 K. Minor Placed with Adults
- 0 L. Aftercare Plan
- 0 M. Advance Medical Directive
- 0 N. Pain Management

13. OTHER 0

- 0 A. Forensic Issues
- 0 B. Guardianship
- 0 C. Rights Outside Jurisdiction

14. NO RIGHT INVOLVED 0

15. RESIDENT/RESIDENT ASSAULT 0

16. DEATH 0

TOTAL GRIEVANCE CASES 1

FISCAL YEAR 2009

Springfield Hospital Center

DEMOGRAPHIC INFORMATION (GRIEVANCE CASES)-FY 20 09 **Springfield Hospital Center**

GRIEVANCES 1

SEX	#	%
Female	0	0.0
Male	1	100.0
Class	0	0.0
Total	1	

AGE	#	%
<18	0	0.0
18-44	0	0.0
45-64	1	100.0
65+	0	0.0
Class	0	0.0
Total	1	

RACE	#	%
African American	0	0.0
Asian	0	0.0
Caucasian	1	100.0
Hispanic	0	0.0
Other	0	0.0
Class	0	0.0
Total	1	

CATEGORIES OF RIGHTS ISSUES (INFORMATION/ASSISTANCE CASES)

1. ABUSE 0

- 0 A. Physical
- 0 B. Sexual
- 0 C. Mental

2. ADMISSION/DISCHARGE/TRANSFER 0

- 0 A. Admission
- 0 B. Hearing
- 0 C. Transfer
- 0 D. Discharge
- 0 E. Respite Care

3. CIVIL RIGHTS 0

- 0 A. Abortion
- 0 B. Verbal Abuse
- 0 C. Barrier Free Design
- 0 D. Business and Personal
- 0 E. Competency
- 0 F. Dignity
- 0 G. Discrimination
- 0 H. Education
- 0 I. Labor and Compensation
- 0 J. Marriage and Divorce
- 0 K. Media
- 0 L. Personal Search
- 0 M. Privacy
- 0 N. Religion
- 0 O. Sexuality
- 0 P. Harassment
- 0 Q. Voting
- 0 R. Immigration

4. COMMUNICATION and VISITS 0

- 0 A. Attorney/Legal Matters
- 0 B. Clergy
- 0 C. Visitors
- 0 D. Stationery and Postage
- 0 E. Telephone
- 0 F. Mail
- 0 G. Interpreter Service

5. CONFIDENTIALITY and DISCLOSURE 0

- 0 A. Records
- 0 B. Privileged Communications
- 0 C. Photocopying
- 0 D. Photographing

6. ENVIRONMENTAL 0

- 0 A. Clothing
- 0 B. Diet
- 0 C. Personal Hygiene
- 0 D. Safety
- 0 E. Sanitary
- 0 F. Humane

7. FREEDOM OF MOVEMENT 0

- 0 A. Building and Grounds
- 0 B. General Restrictions
- 0 C. Least Restrictive Alternative
- 0 D. Leave of Absence
- 0 E. Restraint
- 0 F. Seclusion
- 0 G. Quiet Room

8. MONEY 0

- 0 A. Dissipation of Assets
- 0 B. Easy Access
- 0 C. Facility Account
- 0 D. Limitation
- 0 E. Safekeeping
- 0 F. Use of Funds
- 0 G. Exploitation
- 0 H. Entitlements/Benefits

9. NEGLECT 0

10. PERSONAL PROPERTY 0

- 0 A. Exclusion
- 0 B. Limitations
- 0 C. Protection
- 0 D. Purchase or Receive
- 0 E. Receipt
- 0 F. Storage
- 0 G. Theft/Loss/Destruction

11. RIGHTS PROTECTION 0

- 0 A. Complaint Forms
- 0 B. Explanation of Rights
- 0 C. Notification of Rights
- 0 D. Rights Advisor
- 0 E. Timely Impartial Investigation
- 0 F. Complaint Procedure
- 0 G. Retaliation
- 0 H. Legal Case Review

12. TREATMENT RIGHTS 6

- 6 A. Individual Treatment Plan
- 0 B. Informed Consent
- 0 C. Medical Care
- 0 D. Medication
- 0 E. Periodic Review
- 0 F. Research/At Risk Procedures
- 0 G. Knowledge of
- 0 H. Name of Treatment Staff
- 0 I. Alternate Treatment Services
- 0 J. Clinical Review Panel
- 0 K. Minor Placed with Adults
- 0 L. Aftercare Plan
- 0 M. Advance Medical Directive
- 0 N. Pain Management

13. OTHER 0

- 0 A. Forensic Issues
- 0 B. Guardianship
- 0 C. Rights Outside Jurisdiction

14. NO RIGHT INVOLVED 0

15. RESIDENT/RESIDENT ASSAULT 0

16. DEATH 0

TOTAL INFORMATION CASES 6

FISCAL YEAR 2009

SPRINGFIELD HOSPITAL CENTER

DEMOGRAPHIC INFORMATION (INFORMATION CASES)-FY2009

Springfield Hospital Center

INFORMATION/ASSISTANCE REQUESTS

6

SEX	#	%	AGE	#	%	RACE	#	%
Female	0	0.0	<18	0	0.0	African American	4	66.7
Male	6	100.0	18-44	4	66.7	Asian	0	0.0
Class	0	0.0	45-64	2	33.3	Caucasian	2	33.3
Total	6		65+	0	0.0	Hispanic	0	0.0
			Class	0	0.0	Other	0	0.0
			Total	6		Class	0	0.0
						Total	6	

RESIDENT GRIEVANCE SYSTEM

LEGAL ASSISTANCE PROVIDER SERVICES

FISCAL YEAR 2009

LEGAL ASSISTANCE PROVIDERS STATE RESIDENTIAL CENTERS

The Legal Assistance Providers are obtained through State procurement to provide the following legal services.

1. Representation of individuals proposed for admission to a State Residential Center in accordance with Annotated Code of Maryland, Health General 7-503, which requires that it, must be affirmatively shown by clear and convincing evidence that the conclusions leading to the decision to admit the individual are supported by the following findings:
 - a. The individual has mental retardation:
 - b. The individual needs residential services for the individual's adequate habilitation; and
 - c. There is no less restrictive setting in which the needed services can be provided that is available to the individual to the individual or will be available to the individual within a reasonable time after the hearing.

In fiscal year 2009, the Legal Assistance Providers spent 90.82 hours representing 18 individuals at admission hearings.

2. Review of the current status of residents on an annual basis to determine whether the individual continues to meet retention criteria in accordance with Annotated Code of Maryland, Health General 7-505, which requires determination of the following:
 - a. Whether this individual continues to meet the requirements of this subtitle for admission to a State Residential Center,
 - b. Whether the services which the individual requires can be provided in a less restrictive setting;
 - c. Whether the individual's plan of habilitation as required by 7-1006 of this title is
 - d. Whether the State residential center has complied with and executed the individual's plan of habilitation in accordance with the rules, regulations, and standards that the Secretary adopts.

In fiscal year 2009, the Legal Assistance Providers spent 866.15 hours conducting annual reviews for 323 residents.

3. Representation of individuals who elect to petition for release pursuant to the Annotated Code of Maryland, Health General:

7-506 Habeas Corpus

Any individual who has been admitted to a State residential center or any person on behalf of the individual may apply at any time to a court of competent jurisdiction for a writ of habeas corpus to determine the cause of the legality of the detention.

7-507 Petition for Release

Subject to the limitations in this section, a petition for the release of an individual who is held under this subtitle from a State residential center may be filed, at any time, by the individual or any person who has a legitimate interest in the welfare of the individual.

In fiscal year 2009, the Legal Assistance Providers spent 22.3 hours representing 2 individuals in habeas corpus/petition for release.

4. Representation of residents at transfer hearings pursuant to Annotated Code of Maryland, Health General.

7-801 Authority of Director

The Director may transfer an individual with developmental disability from a public residential program or a public day program to another public residential program or public day program or, if a private provider of services agrees, to that private program, if the Director finds that the individual with developmental disabilities either can receive better treatment in, or would be more likely to benefit from treatment at the other program; or the safety or welfare of other individuals with developmental disability would be furthered.

7-802 Transfer to a Mental Health Program

The Developmental Disabilities Administration may ask the Mental Hygiene Administration to accept primary responsibility for an individual in or eligible for admission to a State residential center, if the Developmental Disabilities Administration finds that the individual would be provided for more appropriately in a program for individuals with mental disorders. The Mental Hygiene Administration shall determine whether transfer to a mental health program is appropriate.

A dispute over a transfer of an individual from the Developmental Disabilities Administration to the Mental Hygiene Administration shall be resolved in accordance with procedures that the Secretary sets, on request of the Developmental Disabilities Administration or the Mental Hygiene Administration. The

Director shall give the individual with developmental disability the opportunity for a hearing on the proposed transfer.

In fiscal year 2009, the Legal Assistance Providers spent 7.6 hours representing 2 individuals at transfer hearings.

The services provided by the Legal Assistance Providers for each facility is detailed on the following pages.

LEGAL ASSISTANCE PROVIDER
ANNUAL REPORT
FISCAL YEAR 2009

Brandenburg Center
Facility

Linda Golden
Legal Assistance Provider

Summary of Services Provided

	<u>Number of Clients Served</u>	<u>Total Hours</u>
Admission Hearings	<u>0</u>	<u>0</u>
Annual Reevaluations	<u>14</u>	<u>23.3</u>
Petitions for Release	<u>0</u>	<u>0</u>
Transfer Hearings	<u>0</u>	<u>0</u>
Total	<u>14</u>	<u>23.3</u>

Brandenburg Center - Narrative for Fiscal 2009

The Legal Assistance Provider (LAP) at the Brandenburg Center, a State Residential Center (SRC) for the intellectually disabled in Cumberland, Maryland, is responsible for providing legal representation for residents and potential residents at four legally significant times in their residency: admission, transfer, discharge, and annual review.

For most of the fiscal year the population at Brandenburg was fifteen or less. The fluctuation/decrease in population was because of deaths. There were no admission hearings, no transfer hearings, and no discharge hearings.

The LAP represented residents at fourteen (14) annual review meetings known as ITM's (Interdisciplinary Team Meetings). The purpose of the annual meeting is for the team to evaluate the habilitation plan from the previous year, develop an habilitation plan for the new year, determine if the resident still meets the criteria to stay at the Brandenburg Center, and if the resident can be served in a community placement the services that would be needed at the community placement for the resident to be successful.

The Interdisciplinary Team Meetings at Brandenburg were very routine this year and there was no meeting that was remarkable in any way. The LAP's most basic function at the annual meeting is to listen and to determine whether the resident still meets the legal criteria for placement in an SRC. In all cases the residents met the requirements for retention. In all cases the residents were diagnosed with mental retardation, were in need of residential habilitation services, and there was no less restrictive placement available. In all cases the Center had executed and complied with the existing IHP (individual habilitation plan) and in all cases the IHP developed by the team for the new year was adequate and suitable.

**LEGAL ASSISTANCE PROVIDER
ANNUAL REPORT
CONTRACT YEAR
(September 1, 2008 – August 31, 2009)
(Reporting Period: July 1, 2008 – June 30, 2009)**

HOLLY CENTER
State Residential Center (SRC)
Facility

JOHN P. HOULIHAN, ESQUIRE
Legal Assistance Provider

Summary of Services Provided

	<u>Number of Clients Served</u>	<u>Total Hours</u>
Admission Hearings*	14	44.42
Annual Reevaluations	108	748.95
Petitions for Release	0	0.00
Transfer Hearings	1**	1.00
Total	122	794.37

* Includes Respite Stays under Md. Ann. Code, Health, 7-509

**Transfer Client Counted in Annual Evaluations

**Holly Center SRC
LAP Annual Report
(7/1/08-6/30/09)**

Representative Admission Matters:

1. The LAP represented 14 clients at Holly Center related to admission matters or issues including:
 - a. Monitoring SRC compliance with applicable due process standards related to the rights to an admission hearing provided under Maryland law and respite stays authorized by statute. Monthly, the number of active respite care averaged 4 individuals. The LAP advocated and obtained SRC development of written plans of care for extended respite stays consistent with due process standards.
 - b. Representing two clients before Administrative Law Judges at mandated hearings resulting in approval of the admission to the SRC recommended by the DHMH Secretary, after appropriate investigation, evidentiary and due process.
 - c. Providing SRC and Community Resource Staff with historical information about prior legal proceedings involved certain individuals at Holly Center and the effect of Court ordered admission on changes in placement.

Representative Annual Review Matters:

1. The LAP provided 108 clients at Holly Center with legal services related to their annual treatment plans including health care, vocational, and habilitation services, as follows:
 - a. Providing assistance to the Rights Advisor in her investigation of a variety of grievance matters resulting in some instances in modification to the overall care or practice standards at the SRC, or for certain individuals, their standards or level of care, related to feeding issues, personal rights, behavioral plans, and medical care.
 - b. Communicating relevant information to the Rights Advisor meriting review for further action or investigation as developed from SRC data, reports, meetings, client or guardian request, or staff advice.
Assuring the occurrence of interim team meetings when necessary to discuss and obtain input of team members related to service or plan modifications when individual rights were potentially at issue.
 - c. Participating in the interdisciplinary team process related to development and implementation of annual plans adequate to meet each client's social,

**Holly Center SRC
LAP Annual Report
(7/1/08-6/30/09)**

Representative Annual Review Matters (continued):

medical, psychological needs including appropriate vocational and social experience and/or an enhanced level of medical care or attention to medically fragile or infirm clients.

- d. Reviewing client medical, social, psychological, and related file data and records on a recurrent basis to ensure implementation and compliance with annual plan requirements, and whether the Plan's objectives are being attained or advanced.
- e. Facilitating a discussion as part of the annual plan evaluation between SRC staff and the Community Resource Advisor about opportunities to meet the individuals needs in a more integrated setting, if practicable and appropriate for the individual client, whether vocationally, residentially, or both.
- f. Of particular note during this reporting period, the LAP provided:
 - (i) comprehensive review of all client plans related to diet, weight, and feeding processes consistent with current facility licensing requirements;
 - (ii) comprehensive review of guardianship status; i.e., person and/or property and the extent of authority granted under Court Orders including changes in placement and access to community resources.
 - (iii) advice to guardians, medical and care staff, and records' custodians about end of life care options, advance directives, court guardianship orders, and surrogate decision-making at the SRC and the effect on services provided at non-SRC facilities including emergency or more intense care settings such as hospitals.

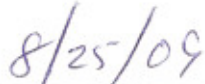
**Holly Center SRC
LAP Annual Report
(7/1/08-6/30/09)**

Representative Transfer Matters:

1. LAP provided an individual client, continuing to reside at Holly Center while awaiting community placement, with review of Community Resource's obligations to obtain and fund placement on a timely basis once determination to transfer had been made.



John P. Houlihan, Esquire
John P. Houlihan, P.A.
Legal Assistance Provider
Holly Center SRC



Date

LEGAL ASSISTANCE PROVIDER
ANNUAL REPORT
FISCAL YEAR 2009

Potomac Center
Facility

Linda Golden
Legal Assistance Provider

Summary of Services Provided

	<u>Number of Clients Served</u>	<u>Total Hours</u>
Admission Hearings	<u>3</u>	<u>25.7</u>
Annual Reevaluations	<u>39</u>	<u>29.5</u>
Petitions for Release	<u>1</u>	<u>1.3</u>
Transfer Hearings	<u>0</u>	<u>0</u>
Total	<u>43</u>	<u>56.5</u>

Potomac Center - Narrative for Fiscal 2009

The Legal Assistance Provider (LAP) at the Potomac Center, a State Residential Center (SRC) for the intellectually disabled in Hagerstown, Maryland, is responsible for providing legal representation for residents and potential residents at four legally significant times in their residency: admission, transfer, discharge, and annual review. While there were no transfer hearings at the Potomac Center in fiscal year 2009, there were admission hearings, one discharge, and many annual reviews known as ITM's (Interdisciplinary Team Meetings).

Three admission hearings were conducted for forensic clients. Forensic clients are a relatively new population at Potomac Center and are there because of the closure of Rosewood. In two of the cases the Administrative Law Judge (ALJ) concluded that the Potomac Center had proven that the clients met the criteria for admission. In each case the ALJ found that the Potomac Center had proven by clear and convincing evidence that the client had mental retardation, that the client was in need of residential habilitation, and that there was no less restrictive placement that could meet the client's habilitation needs available in the next ninety (90) days.

In one case the Administrative Law Judge (ALJ) concluded that the client should be released because the hospital did not prove by clear and convincing evidence that his habilitation needs could only be met in an SRC and that there was not a less restrictive place where those habilitation needs could be met. The client, who did not want to be admitted to the Potomac Center, was very pleased with the outcome.

The LAP represented one resident at a discharge meeting. The discharge process was initiated by the Potomac Center because a community provider had voiced an interest in serving the resident. It was the unanimous opinion of the team that the resident's habilitation needs could be met in a residential community placement with this provider. The resident was discharged to the community provider.

The Interdisciplinary Team Meetings at Potomac Center were mostly routine this year and there was no meeting that was particularly noteworthy. The LAP's most basic function at the ITM's is to listen and to determine whether the resident still meets the legal criteria for the placement in the SRC. In all cases the residents met the requirements for retention. In all cases the residents were diagnosed with mental retardation, were in need of residential habilitation, and there was no less restrictive placement available. In all cases the Center had executed and complied with the existing IHP (individual habilitation plan) and in all cases the IHP developed by the team for the new year was adequate and suitable.

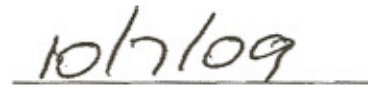
LEGAL ASSISTANCE PROVIDER
ANNUAL REPORT
FISCAL YEAR 2009

ROSEWOOD CENTER/SETT UNIT

RIA P. ROCHVARG, P.A.

	<u>Number of Clients Served</u>	<u>Total Hours</u>
Admission Hearings	1	20.7
Annual Reviews	162	64.4
Petition for Release	1	21.0
Transfer Issue/Hearings	1	6.6
Discharge	157	35.2
Deceased Clients	2	2.6
Total Number of Clients	162	150.5


Attorney's Signature


Date

SETT Unit. The administrators of the SETT Unit were open to this idea and the proper steps were taken to establish a banking system parallel to that of RWC.

Admissions

The LAP was contacted by the Outplacement Coordinator from RWC alleging that the charges of the Client were scheduled to be dropped and that an admission hearing would be held to determine whether Client was fit to return to the community or if there were adaptive skills still lacking that would make Client a danger to himself or the person and property of another in the community at large. The LAP reviewed Client's entire record from RWC including but not limited to all progress notes, medication orders, habilitation needs reports, psychiatric evaluations, etc... LAP attended the hearing but refused to continue unless there was an assurance by the State that the charges would be dropped against the Client. Upon confirmation that the charges were dropped LAP proceeded in representation of the Client before the Administrative Law Judge. LAP argued that there were skills that Client was still lacking but overall it appeared that his level of functioning was appropriate for the community. The State's expert testified that the Client's charges were sexually deviant in nature and that the Client had not undergone extensive sexual adjustment training. As such, the expert opined that the Client still presented a danger to the safety and welfare to others in the community. The ALJ appeared to be persuaded by the State's expert and admitted the Client to RWC. The Client was subsequently transferred to the SETT Unit on the grounds of Springfield Hospital Center for further treatment and habilitation.

Narratives

Petition for Release

The Maryland Disability Law Clinic ("MDLC") contacted the Legal Assistance Provider ("LAP") and stated that a Client at the Rosewood Center ("RWC") was being detained illegally. MDLC reported that the Client's charges had been dropped by the State's Attorney Office and that the Client was no longer barred from re-entry into the community. The LAP wrote letters to the Administrator of RWC, the Client's case manager, and RWC's Out Placement Coordinator. RWC staff never responded to the LAP's letters and failed to release the Client into the community in a reasonable amount of time. The LAP drafted and filed a Writ of Habeas Corpus on behalf of the Client in the Circuit Court for Baltimore County challenging his detention. The LAP hand-delivered the Writ of Habeas Corpus to the Director of the Developmental Disabilities Administration ("DDA") in an attempt to compel action by DDA. Prior to being heard on the Writ of Habeas Corpus, the LAP was informed by the Outplacement Coordinator at RWC that the Client had been discharged to the community. The LAP demanded a copy of the discharge plan and services summary for the Client. These documents were delivered to the LAP, via email, as proof that the Client had been discharged. The LAP then drafted and filed a line to the Circuit Court of Baltimore County withdrawing the Writ of Habeas Corpus because the issue had then become moot.

Annual Review

The LAP attended the Client's annual Interdisciplinary Team Meeting ("ITM") and took exception to the dietician's restrictions on Client's diet. The dietician was concerned about the Client's weight and its impact on her diabetes. The Client had been on a very restrictive diet for more than two years. This diet was remiss of any foods that the Client enjoyed. The LAP argued in the planning meeting that the weight issue and concerns about the Client's diabetes were now moot as her weight had dropped tremendously and her blood tests were consistently within the normal range for diabetics similarly situated as this Client. The dietician was steadfast

in her plan to continue to starve the Client into her ideal weight range. The LAP once again took exception to this strategy, emphasizing that the Client's weight was stable and down from the time that the plan was implemented and that her diabetes was controlled. The dietician was determined not to change the plan. The LAP filed a grievance on behalf of the Client noting that one's food choices are directly correlated to one's quality of life, especially when the Client is blind and takes pleasure from her other senses. The LAP argued that the restrictive diet had fulfilled its purpose and was no longer needed. The LAP asked that the Client not be punished due to her institutionalization for factors well beyond her control. The Rights Advisor investigated this incident and found the grievance valid. The Administrator of RWC personally responded to the recommendations put forth by submitting and implementing a family style dining system that would afford the residents of RWC choices in their diet so long as no medical reason existed for food restrictions.

Transfer Issue

The LAP was contacted by a Client at the newly formed SETT Unit on the campus of Springfield Hospital Center. The Client alleged that he had no access to the money he had saved during his employment at RWC. He stated that the SETT Unit had no equivalent of a banking system such as the one that existed at RWC. Prior to the establishment of the SETT Unit, the LAP argued that transfer of the Clients to another institution without a hearing was a due process violation denying these Clients an opportunity to be heard, even if they had been notified just before their actual transfers. The State countered the LAP's allegations by arguing that the transfer of these individuals was a horizontal one that did not require notice and a hearing. The LAP argued that such a horizontal transfer should afford the Client's the same rights, privileges, systems, procedures, and amenities as those enjoyed and utilized while they were at RWC. The LAP filed a grievance on the Client's behalf alleging that he was being denied access to his funds as well as being deprived of the banking system that he had become accustomed to while residing at RWC. Furthermore, the LAP argued that this Client was a casualty of these so called horizontal transfers and that he was entitled to the benefits of the horizontal agency that he had descended from. The Rights Advisor investigated this complaint and found that no such banking system existed for the Client at the time of the complaint. He deemed this complaint valid with a recommendation that a similar banking system be created for the Clients now residing on the